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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 JONIPHAI RICHARDSON,

9 Defendant.

CASE NO. CR08-5549BHS

ORDER DENYING MOTION
TO REDUCE SENTENCE

10 This matter comes before the Court on Defendant Joniphai Richardson's
11 ("Richardson") motion to reduce sentence (Dkt. 42). The Court has reviewed the brief
12 filed in support of the motion and the remainder of the file.

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14 On September 11, 2009, the Court accepted Richardson's plea agreement on the
15 charge of possession of cocaine base with intent to distribute and imposed a sentence of
16 87 months incarceration. Dkt. 40. On July 25, 2011, Richardson filed a motion to reduce
17 his sentence based on an expected November 1, 2011, amendment to the sentencing
18 guidelines for crack cocaine. Dkt. 42. Richardson asks the Court to hold its ruling in
19 abeyance until the amendment is passed by Congress. *Id.*

20 The Court denies Richardson's motion without prejudice as premature.

21 **IT IS SO ORDERED.**

22 DATED this 9th day of August, 2011.

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26 BENJAMIN H. SETTLE
27 United States District Judge
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ORDER